IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.732 OF 2007
WITH
CIVIL APPLICATION NO.1351 OF 2007

Jaykumar Baburao Alamane .. Appellant.
Vs.
Vasant Babu Gurav .. Respondent.

Mr.Uday Bobde i/f Prakash D.Goriya for the appellant.

CORAM : D.B.BHOSALE, J.
DATED : 23RD OCTOBER, 2007.

P.C.:

. Heard learned counsel for the appellant.

2. This second appeal is directed against concurrent judgments of the courts below by which a suit filed by the appellant/plaintiff for injunction simplicitor has been dismissed. Mr.Bobde, learned counsel for the appellant/plaintiff submitted that the appellant has proved his case by stepping into witness box and stating in support of the contentions raised in the plaint. As against this the defendant failed to step into witness box. I perused the impugned judgments so also other material placed on record. Both the courts below after having considered the evidence on record have concurrently held that existence of the road in dispute itself has not been proved by the plaintiffs. Even the

description of the property is held to be not correct. There is no evidence on record to show that the plaintiff ever was using the road in dispute and that the defendant obstructed the enjoyment of the said road. The findings recorded by the courts below are entirely based on the evidence on record and I find no reason to interfere with the same in the second appeal. No substantial question of law is raised. Hence second appeal is dismissed. Consequently, civil application is disposed of.

(D.B.BHOSALE, J.)